

Applicant provisionally selects the invention of Species I to prosecute on the merits, with traverse pursuant to 35 U.S.C. §121, since Applicant respectfully submits that the subject matter disclosed by each respective set of drawings is not patentably distinct. Specifically, embodiments of the present invention is directed to a opening is provided in a slot on one or more braking surfaces of a brake rotor. Such an arrangement allows gases and/or other material generated during braking to be collected and/or removed from the braking surface via the slot/opening combination. This feature is shown in each set of drawings referred to in the Action.

Applicant also respectfully submits that even if the Office is still of the opinion that the alleged species are patentably distinct from one another, all alleged species of the subject application may be examined since each relates to at least one generic claim, believed patentable over the prior art. 37 C.F.R. §1.141 states that more than one species may be specifically claimed in different claims in one national application, provided the application includes an allowable generic to all the claimed species, and provided the remaining claims to species in excess of one are either written in dependent form or otherwise include all the limitations of the generic claim.

In that regard, Applicant respectfully submits that at least one, if not all, of any of independent claims 1, 22, 37, 41, 47, 53 and 54 is a generic claim to all the alleged species, and are believed allowable over the prior art of record. Applicant further submits that remaining claims 2-21, 23-36, 38-40, 42-46, 48-52 and 55 are either dependent claims or are independent claims which include all the limitations of the at least one generic claim.

Accordingly, below are outlines of several exemplary, generic independent claims considered patentable over the prior art, and includes the features recited in each claim and the corresponding numerical reference of each feature found in the drawings:

With regard to claim 1 (a brake rotor):

a first and a second annular braking surfaces jointly defining inner and outer circumferential surfaces and a central portion; (see drawings, item nos.

104/304/504 and 106/306/506),

a first slot provided on the first annular braking surface (see drawings, item nos. 102/302/502); and

a first opening, wherein all or a portion of the first opening being provided within the first slot (see drawings, item nos. 108/308/508).

With regard to claim 22 (a brake rotor):

first and second annular braking surfaces jointly defining inner and outer circumferential surfaces and a central portion; (see drawings, item nos. 104/304/504 and 106/306/506)

a first slot provided on the first annular braking surface; (see drawings, item nos. 102/302/502)

a first opening, all or a portion of which being provided within the first slot (see drawings, item nos. 108/308/508 corresponding to side 102/302/502); and

a second opening, in fluid communication with the first opening and the second annular braking surface (see drawings, item nos. 108/308/508 corresponding to side 106/306/506).

With regard to claim 37 (a slot for a braking surface):

an elongated groove having at least one of a diameter, a depth, a width and a length (see drawings, item nos. 102/302/502); and

at least one first opening, wherein all or a portion of the first opening is